

**STATE OF CALIFORNIA - DEPARTMENT OF CONSUMER AFFAIRS
CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
NOTICE OF PROPOSED CHANGES IN THE REGULATIONS**

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the office of the Board, 2420 Del Paso Road, Suite 105, Sacramento, California 95834, on October 2, 2008. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on October 1, 2008 or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 5630 of the Business and Professions Code (BPC), and to implement, interpret or make specific Sections 5620.1, 5650, 5651, 5652, 5659, 5673, and 5681 of the BPC, the Board is considering changes to Division 26 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

BPC section 5630 authorizes the Board to adopt, amend, or repeal rules and regulations that govern the examination of applicants for licenses to practice landscape architecture in California.

BPC section 5620.1 mandates protection of the public as the Landscape Architects Technical Committee's (LATC) highest priority. BPC section 5650 describes the qualifications for eligibility for the licensing examination. BPC section 5651 requires that the Board administer a written examination that ascertains the professional qualifications of all applicants for licenses to practice landscape architecture. BPC section 5652 authorizes the LATC to issue a landscape architecture license upon successful completion of the licensing examination. BPC section 5659 requires a licensed landscape architect to use a stamp within defined specifications. BPC section 5673 specifies that the unauthorized use of a landscape architecture stamp constitutes a ground for disciplinary action. BPC section 5681 authorizes the Board to charge fees for sections of the licensing examination administered by the Board.

The 2007/2008 Strategic Plan sets goals for the LATC throughout the year and into future years. Specifically, two of those goals are the implementation of regulatory changes in order to keep the Practice Act current and improvement of service to all constituencies through timely, cost-effective, and efficient operations.

At its Strategic Planning meetings in February 2007 and January 2008, the LATC and staff discussed and agreed to review the Practice Act in its entirety and recommend changes making the language consistent and clear to its constituents. Staff recommended and presented clarifying language to the LATC at its April 17, 2008 meeting. The LATC discussed the proposed changes and agreed to make the clarifying and non-substantive changes to the Practice Act.

Licensure candidates are required to pass the California Supplemental Examination prior to eligibility for licensure; once a candidate is eligible to take the California Supplemental Examination it is the intent of the Board and LATC that their eligibility not be indefinite. Due to the absence of an expiration date provided for in regulation, eligibility to take the California Supplemental Examination is currently indefinite. Additionally, there is no established expiration date for an applicant to submit additional required information to verify their application for the licensure examination. These applications cannot be processed without the required additional information and would otherwise be held indefinitely or until submittal of the additional information.

Council of Landscape Architectural Registration Boards (CLARB) is the national test vendor that supplies the Landscape Architect Registration Examination (LARE), the licensing examination, to the LATC. CLARB administers the multiple-choice sections of the LARE, whereas the LATC administers the graphic performance sections of the LARE. Administration of the multiple-choice sections was delegated to CLARB in August 2004, when they automated this examination process. In June 2007 staff researched the history behind administration of the LARE graphic sections in California. LATC records indicate that delegating the administration of these sections to CLARB, as done with the LARE multiple-choice sections, had not been considered.

During LATC meetings in July 2007 and October 2007 staff presented research on contracting of the LARE graphic sections to CLARB and data on other states that contract these sections. Research found that contracting would provide additional examination security by eliminating the physical exchange of examination material between CLARB and LATC staff, saving staff resources, and providing a means for staff to continue with the redevelopment of the new California Supplemental Examination. Contracting would also remove the ongoing confusion caused when licensure candidates are directed to CLARB for the examination of the multiple-choice sections then to the LATC for the graphic sections of the LARE and eliminate the need to file regulatory packages annually in order to keep up with CLARB fee increases. Other states that contract the LARE graphic sections to CLARB were surveyed and all reported only positive experiences. Based on this information, the LATC directed staff to proceed with the necessary steps to contract the administration and review of the LARE graphic sections.

This proposal would modify CCR sections 2606, 2611, 2612, 2613, 2614, 2615, 2616, 2621, 2623, and 2649 with the following changes: 1) amend language to make the Practice Act consistent and clear throughout the Act, 2) add new language requiring the abandonment of an application for licensure or examination after a prescribed period of time, 3) remove regulatory language no longer applicable due to repeal of referenced section, 4) remove any reference in the CCR referring LATC's administration of the LARE due to contracting of this function to CLARB.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: N/A

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not affect small businesses. The proposed regulation clarifies existing regulation, adds language for the abandonment of applications, and delegates the administration of the LARE graphic sections to CLARB.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative which it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has made available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board, Landscape Architects Technical Committee at 2420 Del Paso Road, Suite 105, Sacramento, California 95834, or by telephoning the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below (or by accessing the Web site listed below).

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Ethan Mathes
Address:	California Architects Board Landscape Architects Technical Committee 2420 Del Paso Road, Suite 105 Sacramento, CA 95834
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The backup contact person is:

Name:	Mary Ann Aguayo
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Website Access: Materials regarding this proposal can be found at <http://www.latc.ca.gov>.